

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**DEVERICK SCOTT,  
ADC # 131042**

**PLAINTIFF**

**v.**

**Case No. 5:18-cv-00190-KGB/JTK**

**WENDY KELLEY, Director,  
Arkansas Department of Corrections, *et al.***

**DEFENDANTS**

**ORDER**

The Court has received the Proposed Findings and Recommendations (“Recommendations”) submitted by United States Magistrate Judge Jerome T. Kearney (Dkt. No. 6). Plaintiff Deverick Scott filed objections to the Recommendations (Dkt. No. 9). Mr. Scott’s objections were not timely filed. However, the Court has considered his objections. For the reasons discussed below, after a review of the Recommendations, Mr. Scott’s objections, as well as a *de novo* review of the record, the Court adopts the Recommendations as its findings in all respects.

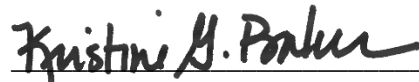
The Recommendations recommend that defendants Wendy Kelley, Director of Arkansas Department of Correction (“ADC”); Dexter Payne, Assistant Director of ADC; Roy Gibson, Assistant Director of ADC; Floyd McHan, Assistant Warden of Varner Supermax Unit; Cashion, Warden of Varner Supermax Unit; and Does should be dismissed for Mr. Scott’s failure to state a claim upon which relief may be granted against these defendants (Dkt. No. 6, at 5). The Court writes separately to address Mr. Scott’s objections (Dkt. No. 9).

Mr. Scott objects to the dismissal of John Does because he asserts that he named them as Dr. Stringfellow and Dr. Drove in his Amended Complaint (*Id.*). Mr. Scott is correct that he named Dr. Stringfellow and Dr. Drove as defendants in his Amended Complaint, and both Dr.

Stringfellow and Dr. Drove as defendants are now a part of this lawsuit. The Recommendations do not address Dr. Stringfellow or Dr. Drove. Mr. Scott does not make a claim against John Does in his Amended Complaint. Therefore, the Court agrees with the Recommendations that John Does should be dismissed as defendants for failure to state a claim upon which relief may be granted.

It is therefore ordered that defendants Director Kelley, Mr. Payne, Mr. Gibson, Mr. McHan, Mr. Cashion, and the John Does are dismissed from this action for Mr. Scott's failure to state a claim against them upon which relief may be granted.

So ordered this the 18th day of December, 2018.

A handwritten signature in black ink, appearing to read "Kristine G. Baker", is written over a horizontal line.

Kristine G. Baker  
United States District Judge